

REMARKS

In the final Office Action mailed December 12, 2007, the Examiner has again rejected claims 1-6, 14-15, 16-19, and 27-31 under 35 U.S.C. § 102(b) as being anticipated by Seto et al. (U.S. 2002/0041692). The Examiner has further rejected claims 7-9 and 20-22 as being obvious under § 103(a), over Seto et al. '692 and further in view of Berstis (U.S. 6,198,996). The Examiner has also rejected claims 10 and 23 under § 103(a) as being unpatentable over Seto et al. '692 and further in view of Maeda (U.S. 6,859,539); claims 11-12 and 24-25 were rejected under § 103(a) as being unpatentable over Seto et al. '692 and further in view of Hughes et al. (U.S. 2005/0089177); and finally, claims 13 and 26 were again rejected under § 103(a) as being unpatentable over Seto et al. '692 and further in view of Maeda '539, Berstis '996, and Hughes et al. '177. Claims 1-5, 7-18, and 20-31 remain pending in the application.

As noted previously, the present invention is directed to a system and method for setting parameters of an audio system by initially monitoring audio related operator usage patterns. The invention then controls an audio source as well as tuning an antenna associated with an AM/FM tuner based the operator usage patterns and a motor vehicle location.

The Examiner has cited Seto et al. which is an audio system for detecting and analyzing information for determining audio matching a driver's favorite selection. In accordance with Applicant's amended claims 1, 14, and 27, the present invention now recites a system and method for setting operating parameters of an audio system based upon operator usage patterns that includes the steps monitoring audio related operator usage patterns of an audio system, controlling an audio source based upon the operator usage patterns, and tuning an antenna associated with an AM/FM tuner based on the operator usage patterns and a motor vehicle location when a radio signal is correlated with at least one of the operator usage patterns and the motor vehicle location. Clearly, Seto et al. neither teaches nor anticipates the limitations regarding tuning an antenna based on usage patterns and vehicle location.

In the final Office Action, the Examiner has noted that Seto et al. fails to disclose specific claim limitations directed toward tuning an antenna associated with an AM/FM tuner. The Examiner should note that the recitation in each of Applicant's independent claims states that the antenna is tuned based on both operator usage patterns and a motor vehicle location when a radio

signal is correlated. The Examiner goes on to note that these limitations are inherent apparently by the mere fact that Seto et al. includes a radio antenna.

For a patent claim to be inherent, the Examiner must provide a basis in fact and/or technical reasoning which would reasonably support a determination that the allegedly inherent characteristic necessarily will be present if the teachings of the art are followed. The fact that Seto et al. may possibly possess the characteristics of the claimed subject matter is not sufficient to anticipate the claimed subject matter. Inherency must be a necessary result and not merely a possibility. In that Seto et al. fail to provide any basis in fact or technical reasoning why a radio antenna is tuned based on operator usage patterns and motor vehicle location does not support a conclusion that Applicant's claims 1, 14, and 27 are unpatentable under § 102(b). In order to expedite prosecution of this application, the subject matter of claim 13 has now been combined with claims 1, 14, and 27. Since this subject matter is currently pending, the addition of these limitations raises no new issues nor does it require further consideration by the Examiner.

Accordingly, Applicant again requests reconsideration for the rejection on these grounds and requests that the rejections of claims 1-5, 7-12, 14-18, and 20-31 be withdrawn. In that claims 2-5, 7-13, 15-18, 20-26, and 28-31 are dependent on Applicant's independent claims including these limitations, these dependent claims should be allowed for the reasons as set forth above. Should the Examiner wish to continue the rejection on these grounds, he is requested to provide evidence to support his allegations of inherency.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Moreover, no amendment made was for the purpose of narrowing the scope of any claim unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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Please charge any additional fees associated with this amendment and credit any overpayments to Deposit Account No. 16-2463.

Respectfully submitted,

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